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January 15, 1993

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Via Federal Express
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Re: CellPro Litigation

Dear Mr. Sennett:

I have reviewed the undated declaration of Michael Schiffer, Esq. filed in support of defendants' opposition to CellPro's motion to compel calendared for January 15, 1993.

At paragraph 5 of Mr. Schiffer's declaration he states that as to a July 22, 1992 Baxter proposal to CellPro "The proposal is currently outstanding, and CellPro has not responded to it." This statement is false.

On August 27, 1992 CellPro, at Baxter's request, travelled to Baxter offices in Chicago and held face-to-face settlement discussions. At these discussions, Baxter repeated its July 22, 1992 proposal and CellPro unequivocally rejected it.

Not only are Mr. Schiffer's sworn statements untrue, they violate the terms of the July 28, 1992 letter agreement, which you prepared, and which requires that statements made in the August 27, 1992 discussions may not be used by either party against the other and may not be disclosed unless required by law. Mr. Schiffer's declaration statements falsely present

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Mr. Michael Sennett
January 13, 1993
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CellPro's negotiation position as set out in the August 27 meeting, and they have clearly been disclosed to the Court and unfairly used against CellPro.

Defendants have filed an opposition unfairly charging me and my firm as untrustworthy. The motion is supported by a false declaration signed by a lawyer and crafted so that I cannot label it as such to the Court without violating my obligations under the July 28 letter agreement. Defendants' papers are demeaning to the high calling of the legal profession and I am understandably disgusted by the conduct of defendants' counsel.

I demand that Mr. Schiffer file a revised declaration that deletes his false statements. I am concerned that his failure to do so will poison any future negotiations between the parties.

Very truly yours,


Coe A. Bloomberg

CAB:nb

cc: Donald R. Ware, Esq. (via Federal Express)
Kenneth E. Madsen, Esq. (via Federal Express)
Thomas D. Kiley, Esq. (via Federal Express)

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